

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**Sisseton School District
Continuous Improvement Monitoring Process Report 2004-2005**

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Date of Report: March 14, 2005

This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education (FAPE) is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

- B – District/agency instructional staff information
- C – Suspension and expulsion information
- D – Statewide assessment information
- E – Enrollment information
- F – Placement alternatives

- G – Disabling conditions
- H – Exiting information
- Parent survey, referrals, publications of child find notices
- Comprehensive plan
- Yearly child find results
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Promising practice

The steering committee concluded areas of promising practice include staff participation in data retreats, the after school tutoring program, peer tutoring and student success group. The district utilizes several programs to assist with academic progress. The programs include accelerated math, accelerated reading, orchard software, renaissance learning, “Stop, Drop and Read”, and the “Squirt” reading program.

Meets requirements

The steering committee concluded the district maintains a census of children birth through five years old who live in the district. The district has child find procedures to identify students birth through 21 years of age. Teachers at the elementary and secondary levels are given a copy of each child’s Individual Education Program (IEP) in their class. Teachers are provided with current goals and modifications for student IEP during the school year. For all students evaluated for the first time, referral documentation is available.

A teacher assistance team is implemented at the elementary level. The team is comprised of a regular classroom teacher, counselor and administrator. They brainstorm modifications to use with the student and inform parents that their child is having difficulty with a certain subject. If the student is still struggling at the end of six weeks, the psychologist will visit the classroom teacher and will look at the modifications to ensure all areas are documented. If an evaluation needs to be completed, a decision will be made by the team

Students placed in private schools by the district are afforded all rights and services in accordance with state and federal regulations. An administrator and a resource room teacher participate via conference calls for all IEP meetings. The school district follows and adheres to the state guidelines for reporting students suspended, expelled or dropped out of school.

Out of compliance

The steering committee concluded paraprofessional’s performance is not evaluated and they do not receive any formal training on a yearly basis.

Validation Results

Promising Practice

The monitoring team agrees the Sisseton school district utilizes several programs that assist students with academic progress. These include accelerated math, accelerated reading and orchard software. All of the elementary schools use the two research based programs. Orchard software is a series of skill based computer programs that are aligned with the South Dakota content standards. The students take a pretest, which assesses their needs, and then assigns the student an instructional program.

Opportunities are available for students to participate in programs to enhance their educational experiences. The after school tutoring program is open to all students in the high school. Volunteer teachers are available in the library from 3:00 to 4:00 p.m. Monday through Thursday for tutoring and academic assistance. Treats are also served. Student success group is offered to the 10th and 11th grade students interested in working toward improvement of their grades and academic standing. The goals for the group are to assist students in improving their fall semester grades, semester attendance, fall semester behavior and attitude toward school.

The monitoring team could not validate the data retreats or the peer tutoring as areas of promising practice as concluded by the steering committee.

Meets requirements

The monitoring team agrees with all areas identified as meeting requirements for general supervision as concluded by the steering committee.

Out of compliance

ARSD 24:05:16:16.01. Paraprofessionals and assistants.

Paraprofessionals and assistants who are appropriately trained and supervised in accordance with this section may be used to assist in the provision of special education and related services to children with disabilities under Part B of the Individuals with disabilities Education Act. At a minimum, the following standards must be met:

- 1) Paraprofessionals must have a high school diploma or GED;
- 2) Paraprofessionals must work within defined roles and responsibilities as identified by the school district;
- 3) Paraprofessionals must work under the supervision of, and be evaluated by, certified staff; and
- 4) Each school district must describe the training to be provided paraprofessionals in the staff development component of the district's comprehensive plan under 24:05:16:05.

Through interview, the monitoring team concluded that staff development activities in the district do not sufficiently prepare staff to implement the requirements under Individuals with Disabilities Education Act. Comments from paraprofessionals, general education teachers and special education teachers include, "no training is available," "did not know about the training until it was over," "no training is offered," "we get some in-service every 3 years," and "training is available for two staff per grade level every other year." Professional staff completed the online training needs assessment but the results were not used as a basis for addressing staff development needs in the district. Paraprofessionals did not know there was a needs assessment available for them to complete. Questions and issues addressed during the review process also substantiate the need for staff training in the area of special education.

Out of compliance

ARSD 24:05:17:03 Annual report of children served

The monitoring team was unable to validate an IEP was in effect on December 1st, 2003 for two students who were listed on the district's 2003 child count.

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Principle 2 – Free Appropriate Public Education

Steering Committee Self-Assessment Summary

Data sources used:

- C – Suspension and expulsion information
- E – Enrollment information
- F – Placement alternatives
- K – Early intervention exit information

- L - Complaint data
- M – Due process hearing data
- N – Monitoring data
- Age at referral
- Number of students screened
- Personnel development
- Preschool data
- School age student data
- Personnel training
- Budget information
- Comprehensive plan
- Surveys

Meets requirements

The steering committee concluded the FAPE is provided for children birth through 21 years of age as determined by the needs identified in their individual family services plans (IFSP) and IEPs. The district follows state and federal regulations to ensure FAPE for all students. Current practice and past reviews from the state and federal special education monitoring demonstrate the school district provides FAPE for all children with disabilities. All information is available to the monitoring team to review for assurances of this statement.

Validation Results

Meets requirements

The monitoring team agrees with the areas identified as meeting requirements under free appropriate public education as concluded by the steering committee.

Out of compliance

ARSD 24:05:25:26 Extended school year authorized

The district shall provide special education or special education and related services to eligible children if the IEP team determines on an individual basis that such services are necessary for the provision of FAPE. An IEP pursuant to chapter 24:05:27 shall be developed by the IEP team and implemented with informed parental consent. The IEP team shall determine the length of the school day and duration of extended school year services based on the individual child's needs.

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective IEPs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Through a review of student records the duration of the extended school year program needed by the student was not specified in 6 IEPs. Through interview it was reported that the extended school year (ESY) services in the IEP were completed by the special educator and sent home for the parent to provide consent. Others indicated that ESY services might be provided if the parent wanted it or if the student had missed a lot of school.

<h3>Principle 3 Appropriate Evaluations</h3>
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Steering Committee Self-Assessment Summary

Data sources used:

- G – Disabling conditions
- H – Exiting information
- I – Age and placement alternative data
- J – Data by disabling condition and placement
- Teacher file reviews
- Surveys
- Comprehensive plan
- Parent Teacher report forms
- Initial referral

Meets requirements

The steering committee concluded parent consent is obtained for reevaluation and the district evaluation team is comprised of two or more individuals. The district team uses an informal process to review existing data before reassessing. Parents, teachers and psychologists are asked for input in the evaluation. Test results are explained and used to help plan a child's IEP. Students are evaluated in all areas of suspected disability and include transition and functional data. Copies of the evaluation reports are sent to parents with the prior notice for the IEP meeting or given to them at the IEP meeting.

Needs improvement

The steering committee concluded a multidisciplinary team written report needs to be available in all files of students with learning disabilities and reevaluations need to occur consistently every three years. Consent needs to be obtained for all tests administered and evaluations need to be completed within 25 school days after receiving consent.

Out of compliance

The steering committee concluded parents there was no evidence of parent participation in the evaluation process. Consent must be acquired before testing can begin and all evaluations of which consent was provided must be administered

Validation Results

Meets requirements

The monitoring team agrees parent consent is obtained for reevaluation and the district evaluation team is comprised of two or more individuals. The district team uses an informal process to review existing data before reassessing. Parents, teachers and psychologists are asked for input into the evaluation. Test results are explained and used to develop a child's IEP. Student's evaluations include transition and functional data. Copies of the evaluation reports are sent to parents with the prior notice for the IEP meeting or given to them at the IEP meeting.

Multidisciplinary team written reports for students with learning disabilities were present in all files reviewed. Consent for initial evaluation and the 25 school day evaluation time line was met in the files reviewed, therefore the team considered these issues to meet requirements.

Needs improvement

The monitoring team agrees the three year evaluation time line is an area in need of improvement as concluded by the steering committee.

Out of compliance

ARSD 24:05:30:04 Prior notice and parent consent

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

24:05:25:04 Evaluation procedures

School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

Through a review of student records, assessments were administered for ten students that were not included on the prior notice/consent signed by the parents. For example, an adaptive behavior evaluation was administered for a student without parent consent. Behavior evaluations were administered for another student without parent consent. In seven files reviewed, all evaluations on the prior notice were not administered. For example, consent was provided to administer an adaptive behavior evaluation and it was not conducted. Academic tests were to be given for another student and they were not administered.

ARSD 24:05:25:04.02 Determination of needed evaluation data

As part of an initial evaluation, if appropriate, the individual education program team required by § 24:05:27:01.01 and other individuals with knowledge and skills necessary to interpret evaluation data, determine whether the child has a disability, and determine whether the child needs special education and related services, as appropriate, shall:

- (1) Review existing evaluation data on the child,
- (2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:
 - (a) Whether the student has a particular category of disability as described in this article;
 - (b) The present levels of performance and educational needs of the student; and
 - (c) Whether the student needs special education and related services.

Through a review of student files, there was no evidence of parent input in the evaluation process for 12 students.

Issues Requiring Immediate Attention

ARSD 24:05:25:06 Reevaluations

ARSD 24:05:22:03 Certified child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

24:05:25:04 Evaluation procedures

School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

Through interview and a review of student records, the review team identified the following issues:

1. A reevaluation conducted in January 2005 did not yield information to re-determine eligibility for this student. On the 2003 child count this student was identified as multiply disabled using mental retardation and speech/language impaired as the two disabling conditions. The current multidisciplinary team assessment report for determining eligibility did not contain ability scores from current or previous testing. Achievement testing for eligibility was not conducted. There were no scores reported for the social skills rating scale and the adaptive behavior scores were reported as scaled scores instead on standard scores.
2. The data reported from a December 2003 reevaluation for a student identified on child count as multiply disabled (mental retardation and speech/language impaired) did not yield eligibility scores to support mental retardation.
3. On the 2003 child count, a student was identified as multiply disabled under the two categories of emotionally disturbed and other health impaired. The reevaluation conducted in January of 2005 did not include previous medical, behavior or social evaluations to support continued eligibility under either of the two identified categories. On the 2005 multidisciplinary team assessment report for determining eligibility the team concluded the student was not eligible for special education and placed the student through override procedures. Information contained in the override inferred the students need for assistance in the resource room rather than why the testing was invalid and the need for special education.
4. On the 2003 child count, a tuition student was reported as other health impaired. The May 2003 evaluation conducted by the Browns Valley School District does not include sufficient information to meet South Dakota eligibility criteria. The report stated, “summary of medical diagnosis (documentation is attached to this report)” however no documentation was attached. The student’s behavior and social skills were not evaluated. The report also stated, “...need for special education instruction and service is supported by evidence of inadequate academic progress due to excessive absenteeism as verified by attendance records...”
5. An initial evaluation was conducted for a student in February 2005. The student’s team meeting was scheduled to occur the day after the onsite visit. The multidisciplinary team assessment report for determining eligibility was completed by the psychologist prior to the team meeting, stating the student was eligible for special education under the categories of emotional disturbance and other health impaired. There were no evaluations conducted to support a category of other health impaired and eligibility must be determined by the students IEP team and not a single evaluator.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

- L - Complaint data
- M – Due process hearing data
- Teacher file reviews
- Surveys
- Comprehensive plan
- Parental right document
- Consent and prior notice forms
- Public awareness information
- FERPA disclosure

Meets requirements

The steering committee concluded the school district parents are notified of their rights and consent is acquired for extended school year (ESY) services and for placement into special education. Parents are provided a copy of the IEP and the evaluation results at the time of the IEP meeting. Student files contain a record of access and a types/location document. The school district's policy ensures all parents the opportunity to inspect and review the educational records concerning their child. Procedures are available for the selection, training and administrative considerations regarding the appointment of a surrogate parent for a child with disabilities. A list of individuals who would serve as a surrogate parent is available in the district.

Out of compliance

The steering committee concluded evaluations have been administered without informed parental consent.

Validation Results**Meets requirements**

The monitoring team agrees with the areas identified as meeting requirements under procedural safeguards as concluded by the steering committee.

The issue of informed parental consent meets requirements and was addressed under evaluation procedures.

Principle 5 – Individualized Education Program

The IEP is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- Parent surveys
- Student surveys
- Comprehensive plan
- Teacher file reviews
- Personnel training
- Budget information

Meets requirements

The steering committee concluded transition evaluations are administered for students of transition age and services begin as soon as possible after the IEP meeting. Teachers receive copies of student IEP at the beginning of the school year and after the IEP meeting. The IEP team considers the students participation with non-disabled peers.

Needs improvement

The steering committee concluded short term instructional objectives need to consistently include the condition, performance and criteria and goals need to be linked to the present levels of performance.

Out of compliance

The steering committee concluded the IEP team needs to include the required membership and IEPs need to be reviewed annually. IEP meetings do not consistently occur within 30 calendar days of receiving the evaluation results. Present levels of performance do not contain specific skills in the student's strengths, weakness or the student's involvement/progress in the general curriculum. The special education and related services to be provided needs to include the service, amount of service and location of service needed by the student. Modifications required by a student needs to specify the frequency, location and duration of modifications to be provided. The justification for placement statements did not describe why instruction could not be provided in the regular classroom setting.

Validation Results

Meets requirements

The monitoring team agrees with the areas identified as meeting requirements under individual education program as concluded by the steering committee.

Through file reviews, the special education and related services to be provided included the service, frequency of service and the location. An IEP team meeting was consistently held within 30 calendar days of receiving the student's evaluation results and therefore these issues meet requirements.

Needs improvement

The monitoring team agrees with the areas identified as needs improvement under individual education program as concluded by the steering committee.

Modifications needed by a student consistently included the frequency, location and duration. In three files reviewed the team noted that modifications were to be provided to a student for state and district assessment that were not required by the student during the normal course of the school year. The district needs to continue to ensure all IEPs are reviewed at least annually. The annual review timeline was only exceeded in one file reviewed by the team.

Out of compliance

ARSD 24:05:27:01.01. IEP team

Each school district shall ensure that the IEP team for each student with disabilities includes the following members:

- (1) The parents of the student;
- (2) At least one regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- (3) At least one special education teacher of the student or, if appropriate, at least one special education provider of the student;
- (4) A representative of the school district who:
 - (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 - (b) Is knowledgeable about the general curriculum; and
 - (c) Is knowledgeable about the availability of resources of the school district;

Through a review of student records, the IEP team meetings for seven students did not include an individual who met the requirements as a district representative.

ARSD 24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include:

- (1) A statement of the student's present levels of educational performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general curriculum.

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:

- (a) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum.

Through a review of 21 student records, present levels of performance did not consistently contain specific skills link to functional evaluation or state the student's involvement/progress in the general curriculum. Annual goals did not consistently specify skills the student could reasonably accomplish within a 12 month period. For example, "...will complete functional math problems," or "...will read at increasing levels of complexity for various functional purposes."

ARSD 24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include:

- (7) A statement of:
 - (a) How the student's progress toward the annual goals described in this section will be measured; and
 - (b) How the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled student's progress of:
 - (i) Their student's progress toward the annual goals; and
 - (ii) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

Through interview and a review of student records the monitoring team was informed progress towards annual goals was not provided to parents at the middle school level. At the elementary level, progress reports were sent home to parents, however the report did not include the short term objective criteria that reflected progress toward the annual goal.

ARSD 24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include:

- (4) An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in activities described in this section.

Through a review of eight student records, the justification for placement did not include an explanation of the extent to which the student will not participate with non-disabled peers in the general classroom. For example, the justification statement for a student who goes to the resource room for 45 minutes daily states, "general education with modifications provides (student) with enough direct skills instruction at her level. (Student) is able to interact with her peers and adults enough to participate in the regular education classes. (Student) requires consistent interaction with peers to maintain positive social skills."

ARSD 24:05:27:01.02 Development, review, and revision of individualized education program

In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, and as appropriate, the results of the student's performance on any general state or district-wide assessment programs. The individualized education program team also shall:

- (1) In the case of a student whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports, to address that behavior.

Through interview and a review of student files, the IEPs for six student indicated the student's behavior impeded learning. Strategies to appropriately address the behavior, including positive behavioral intervention and supports were not developed for these students.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- E – Enrollment information
- F – Placement alternatives
- N – Monitoring data
- G – Disabling conditions
- I – Age and placement alternative data
- J – Data by disabling condition and placement
- File Reviews
- Surveys
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Meets requirements

The steering committee concluded the district has policies for addressing the least restrictive environment (LRE) of students. Student programs are developed prior to determining placement and students are educated with other students their age in a variety of settings on the continuum.

Needs improvement

The steering committee concluded a student's removal from the regular classroom setting needs to be based on the student's individual needs. Regular educators at the high school and middle school, on the whole, do not make the modifications necessary for students to have success in the regular classroom setting.

Validation Results

Meets Requirements

The monitoring team agrees with the areas identified as meeting requirements under least restrictive environment as concluded by the steering committee.

Out of compliance

24:05:28:03 Factors in determining placements

Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (3) Unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;
- (4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and

- (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

ARSD 24:05:27:01.03. Content of individualized education program

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:
- (a) To advance appropriately toward attaining the annual goals;
 - (b) To be involved and progress in the general curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
 - (c) To be educated and participate with other students with disabilities and non-disabled students in the activities described in this section.
- (4) An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in activities described in this section.

The monitoring team identified concerns regarding the implementation of modification in the regular classroom and how services are provided to students with disabilities. Through interview and a review of records, the IEP for one student stated they would be placed in the resource room for 30 hours per week. She was to be with her peers for art and meals. However, this student was remaining in the resource room every day, all day. Another student IEP stated they were to be in the resource room 17.5 hours per week. This student has only been in the resource room 3 times this year. There were reports of students who are sent to the resource room to complete their homework, rather than implement the modification in the regular classroom setting per the IEP. At the middle school, general educators supposedly receive information regarding IEP modification at their grade level meeting, however, these meetings are not held consistently and the special education staff is not routinely in attendance. It was also reported that copies of IEP goals and modifications given to general educators have been returned to the special educator. In an interview with general educators, they could not answer the question, “what is concrete positive reinforcement”.